

Leadership

.....
and

.....
Diversity

*The Link That Promotes Effective
Delivery of Legal Services*



*A Training Module for Governing Bodies in
Legal Services Organizations*



Legal Services Corporation

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ACKNOWLEDGEMENTS

LSC is proud to have been instrumental in the production of *Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services*. Its release marks the culmination of a two-year effort to highlight the importance of diversity in strengthening services to clients and enhancing all other aspects of our work as legal services providers

Honors for the successful completion of this training module must go to the Leadership and Diversity Advisory Committee, whose members devoted time and energy to the project despite their busy professional and personal lives. Their perspectives, thoughtful deliberations, expertise, and commitment to justice enhanced the final product and made working with them a joy. Special acknowledgment also is due the African American Project Directors Association for encouraging and partnering with LSC on this and other diversity endeavors. In addition, LSC staff Althea Hayward and Patricia Hanrahan and consultant Evora A. Thomas were instrumental in coordinating the efforts of the Leadership and Diversity Advisory Committee and the development of the training module. Finally, I must recognize former LSC President John McKay (1997-2001) for his support of this initiative from the very beginning. Thank you all!

In 2000, LSC and NLADA committed to a year of “conversations” on the challenges we face as legal services providers for whom the concept of inclusion is central to our mission. Beginning in 2001, we held discussions around the country, including a national two-day conference, and examined how national partners, state justice communities, and local programs could more fully integrate diversity principles into their work.

At the end of 2001 and based on learnings gathered through the conversations, LSC issued its *Action Agenda*—a series of steps to advance diversity activities at LSC and help grantees in expanding their endeavors in this most significant area. Our diversity conversations convinced us that initiating our work for 2002 with a board training resource was not only the most logical starting point, but also a necessary one. When a board that is actively engaged in ensuring that each board member, staff person, and client is given the opportunity to fully contribute to the organization, the result is a legal services program that is a vibrant partner in the state justice community and a provider of high quality legal services. Board members link the organization to all facets of the community. They exhibit in the most public way the mission and vision of the organization—to provide justice for all.

It is my hope that *Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services* will be an essential component of training tools throughout the legal services community. Its usefulness will extend beyond the governing body into the management and staff levels of the program, with ramifications felt in the client community. LSC will continue to move forward on other diversity efforts, with a special focus on those activities that can help grantees enhance their services to clients in each state.

Randi Youells
Vice President for Programs

MEMORANDUM

FROM: The Leadership and Diversity Advisory Committee

DATE: November 22, 2002

SUBJECT: *Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services.*

We wholeheartedly recommend to your organization and state justice community this diversity and leadership training module, *Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services*. We hope that you will incorporate the module into your training activities, using it in conjunction with orientation and other initiatives, as well as, independently as an effective way to set and reach diversity goals.

Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services was tested with boards of two LSC grantees, selected because each site presented distinct program types and client communities. It was used by Statewide Legal Services of Connecticut and by Community Legal Services in Phoenix, Arizona. One organization retained a facilitator to guide the conversations and one relied on staff and board members. Each program found the outcomes useful and the process illuminating.

Our goal was to produce a training instrument that benefits board members and the board itself as well as the organization. We wanted the guide to create an atmosphere in which participants could speak about serious and difficult issues with comfort, where no one individual or group felt under attack

Program boards are the leaders of their organization. If the board is actively committed to creating and sustaining a program where inclusion and diversity guide the work, then the program itself will embrace diversity. Similarly, when a board has only a superficial understanding of the central role diversity plays in reaching clients effectively, the program will never fully attain its diversity potential. For this reason, we focused on boards as the critical vehicle for helping LSC grantees, partners, and state justice communities attain their vision of a world where everyone is valued.

We are thrilled that LSC is holding a “training of trainers” event in 2003 with the purpose of creating a bank of facilitators to help LSC program boards benefit from *Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services*. Beginning in May 2003, LSC will make some limited financial assistance available to states to conduct board training using the module. These resources will encourage and assist grantees and state justice communities that seek to more actively embrace diversity work.

Thank you and please call on us if you have questions or comments about this module.

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Leadership and Diversity: The Link That Promotes Effective Delivery of Legal Services

A Training Module for Governing Bodies in Legal Services Organizations

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Introduction

The Legal Services Corporation (LSC) was established by Congress in 1974 as a successor to the Office of Economic Opportunity's legal services program, to address the ongoing need "to provide equal access to the system of justice in our Nation for individuals who seek redress of grievances . . . to provide high quality legal assistance to those who would be otherwise unable to afford adequate legal counsel and to continue the present vital legal services program."¹

As a private, non-profit corporation, LSC provides financial assistance to support qualified programs that furnish civil legal assistance to individuals who cannot otherwise afford it.²

From the beginning, LSC was concerned about access barriers that potential eligible clients confront as they try to gain legal help in resolving urgent legal problems. This recognition of a diverse client population acknowledged distinctions for veterans, Native Americans, migrant or seasonal farmworkers, persons with limited English-speaking abilities and persons in sparsely populated areas where a harsh climates and/or inadequate transportation systems could significantly impede access to services.³ LSC currently provides funding and regulatory oversight to 179 programs; and special funding for migrant farmworkers and Native Americans.

Although always concerned about diversity issues, LSC increased its activities in this area when, in collaboration with the National Legal Aid and Defender Association (NLADA), it

¹ *Legal Services Corporation Act*, as amended, 42 U.S.C. §2996 *et. seq.*[Title X of the Economic Opportunity Act of 1964].

² LSC provides funding to programs in all 50 states, along with the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

³ See, *Legal Services Corporation Act*, § 1007 (h).

expanded its diversity efforts and committed to develop recommendations for change. In furtherance of this commitment, in March 2001 LSC and NLADA launched the first of several diversity conversations on the challenges and strengths that legal services staff, clients, and leaders face in the areas of diversity (including gender, race, ethnicity, sexual orientation and age, among others). In May 2001, the two organizations sponsored a two-day national conference, addressing issues of diversity in legal services programs. Additional conversations occurred around the country in July, September, and November 2001.⁴

Several concerns were raised during these discussions: (1) a growing need to recruit and retain new leadership, particularly from among communities of color; (2) the unique problems faced by younger women and women of color in becoming and remaining leaders; (3) issues of recruitment, promotion, mentoring and training as they pertained to young leaders and minorities; (4) recruiting diverse staff in a predominantly white environment; and, (5) new client needs/concerns growing out of changing demographics, including immigrant and refugee resettlement and the need for legal services programs to acquire the skills needed to respond competently to clients from different cultural backgrounds.

To better understand the scope of diversity issues in the legal services community, LSC hired a consultant to review data on race, ethnicity and gender of LSC grantees' staff by job category for 1996 through 2000. The analysis also included information on staff with disabilities, age, and length of service.

The findings regarding executive directors are of particular concern. Little has changed in the percentage of programs headed by women. The percentage of female executive directors (34%) at LSC programs is low compared with the percentage of women attorneys in LSC programs (60% in 2000). In 1996, there were 263 directors, of which 179 (68%) were male, and 84 (32%) were female. In 2000, with 224 director positions, there were 148 (66%) men directors and 76 (34%) women. In spite of a reduced number of programs and therefore directors, there were only slight changes in the ethnic and racial profile of directors. The percentage of Caucasian directors remained almost the same - 83% or 185 of 224; African American directors increased by one percent (27/263 or 10% to 26/224 or 11%); Hispanic directors remained stable at four percent (12/263 and 8/224), as did Native American directors, at one percent (3/263 and 3/224). Asian executive directors also remained stable, at one percent (1/263 and 2/224). In 1996, the percentage of directors who reported as members of an ethnic or racial minority was 16 percent. Five years later, it was 17 percent. By contrast, LSC client populations are changing at a significant rate. "Regions and states that have been predominantly Caucasian or African American for generations are now home to new *residents* from South America, Africa, Asia, Southeast Asia and Eastern Europe. . . Many of them bring special legal needs that are exacerbated by aspects of their cultural and ethnic heritage."⁵

⁴ See, *Staff Diversity Within Legal Services Programs: 1996-2000*, an LSC report describing the evolution of recent activity focusing on diversity within the legal services programs and community.

⁵ See, Legal Services Corporation, *National Diversity in Legal Services Community Action Agenda*, April 2002.

In April 2002, LSC announced its *Action Agenda*,⁶ a pledge to direct staff and other resources toward the creation of opportunities that will help programs grapple with the barriers to achieving vibrant diversity in their state justice communities. Among other commitments, LSC determined to ***produce a training module for boards of directors on diversity and leadership, a package of training materials and resources that boards and programs can use independently of consultants if they so choose to [help] sensitize participants to the benefits and challenges of diversity agendas.***⁷

With this manual LSC hopes to aid programs and their state justice communities increase their understanding and awareness of the benefits and challenges offered by diversity. It is written with a broad focus so that federally funded and non-federally funded legal services programs alike can benefit from the technical information, training exercises and diversity strategies presented. Our goal is to offer this material to any organization within the legal services community that desires a heightened understanding of how to use diversity effectively in order to deliver a better quality of legal services to our clients.

These materials are intended for instructional purposes targeted strategically at training for members of the governing bodies of legal services programs. Mindful of the fact that many programs face limited financial resources for such a training, the materials are designed for use without the necessity of a consultant to facilitate discussions. However, discretion should be used to determine who would be most effective in presenting these materials and leading the discussions. See the Appendix, “Suggestions for Selecting and Preparing a Diversity Facilitator/Trainer.”

In structuring the format, we recognized that most programs conduct quarterly board meetings. Therefore, the materials are organized to accommodate four one-hour sessions in conjunction with quarterly board meetings. Do not feel obligated to structure your training in this way. It is more important to be flexible, assigning time frames to the exercises according to those areas where you determine the greatest need for exploration and development.

This manual should not be treated like a cookbook, where every ingredient must be applied exactly as stated. Rather, view these materials as a resource, much as one would receive in an art class. Use the basics to be creative in customizing your diversity goals to fit your organization’s situation. Feel free to include additional exercises that you may want to incorporate, omit, or modify those that are too challenging or inappropriate for your community’s circumstances. The exercises are intended to generate information that can be used by your organization in subsequent planning for your program and state justice community.

Finally, this manual is intended to foster an environment that applauds the contributions of everyone. It is not intended to judge, justify or rectify past disparities, either real or perceived.

⁶ Ibid.

⁷ Ibid.

Rather, it is an opportunity to serve clients in the 21st Century with renewed vigor and greater insight. It is our sincere hope that your organization will be motivated and challenged in affirmative ways to acquire the long-term benefits of diversity as you create new strategies that incorporate the changes taking place within your local and state justice communities.

Evora A. Thomas, Consultant
bmc & associates, inc.

Part One: "Diversity" — The Concept

What You Should Learn

- ❖ “Diversity” means difference. The most commonly recognized differences are age, race, ethnicity and gender. But there are many, many others. Diversity can be defined according to the qualities you believe most accurate for your situation or organization.
- ❖ When people understand diversity within the legal services organization and community, it becomes a positive characteristic that should be welcomed. Diversity brings opportunity for new insights about legal assistance and access to clients who have not been reached in the past, and thus vastly improves the services offered and approaches used.
- ❖ “Stakeholders” are people who are interested in using the diversity of the legal services organization/community to reach more clients and to provide legal assistance to them in a more effective way.
- ❖ There are many other stakeholders than members of the governing body, staff, and clients. Identifying stakeholders broadens the opportunity to be creative in delivering legal services to clients.
- ❖ “Managed diversity” is the planned use of the different skills, knowledge, abilities and experiences that people have to offer. Managed diversity brings many benefits to clients because the overall effectiveness of the legal services organization is improved. Failure to manage diversity will result in high costs to the organization and to clients.
- ❖ There are specific things that a governing body can learn to do in order to manage diversity effectively and to create benefits for the organization and clients.
- ❖ Managing diversity will require changes that may cause discomfort to some. But, there are effective strategies to reduce the discomfort, acknowledge concerns, and foster a willingness to compromise.

NOTES

Part One: Diversity — The Concept

Question One: What is Diversity?

A. APPRECIATING DIFFERENCES IN THE LEGAL SERVICES OR STATE JUSTICE COMMUNITY

In its most simplistic definition, diversity means difference. Other synonyms for diversity include dissimilarity, variety, assortment, and contrast. The importance of understanding that diversity exists in our society has become a significant reality for the American way of life. From its beginning, the United States was founded on the principle of acknowledging and permitting differences. This is reflected in the individual rights of protection for freedom of assembly, expression and religion guaranteed in the First Amendment of the Constitution as well as other equal protections guaranteed in the Fifth and Fourteenth Amendments.

Today, while we continue to encourage inclusion, there is still a genuine need to acknowledge the differences among people in order to *benefit* from the opportunity of having this valuable assortment of people in our society. The American mix reflected in our local neighborhoods influences our educational systems, housing markets, commercial enterprise, social and health services, religious institutions, entertainment facilities, recreational/cultural centers and the electoral process. Indeed, every aspect of society is influenced by our diversity. According to one noted authority on human resource management, diversity is a very broad concept. He writes that:

Exercise #1: It is very important that all members of the governing body agree upon the scope of the “concept of diversity” applicable to your organization. In order to reach consensus, develop a customized working definition of “diversity” for your legal services organization to use as a foundation upon which to build agreement for future discussions.

Diversity includes everyone; it is not something that is defined by race or gender. It extends to age, personal and corporate background, education, function, and personality. It includes lifestyle, sexual preference, geographic origin, tenure with the organization, exempt or non-exempt status, and management or non-management. It also shows up clearly with companies involved in acquisitions and mergers. In this expanded concept, white males are as diverse as their colleagues. A commitment to diversity is a commitment to all employees, not an attempt at preferential treatment.⁸

Traditionally, the approach to diversity in the United States has been assimilation. In other words, a melting pot, which meant that everyone should blend into one common identity where newcomers learn to fit in. In more recent years, however, there has been a shift in thinking about this ideal. Three major changes have influenced a new approach to diversity. First, the world market has shifted as more countries compete against the United States. Second, immigration to the United States has caused dramatic changes in the makeup of our society. And third, more people are exhibiting pride in their heritage and are less willing to give up cultural and other differences in order to get ahead.

Exercise #2: Understanding diversity involves recognizing the variety of characteristics that represent differences. How many different qualities and attributes can your governing body identify which help to expand your organization's awareness of what diversity is? List them.

Question Two: Why is Diversity Important?

This trend exists within the legal services community just as in the broader society. At federal, state and local levels the network of federally-funded legal services organizations, which have historically provided civil legal assistance to low-income individuals, are now challenged to create new service delivery models. They are realigning and emerging with sophisticated technological, funding, and professional support. As the legal services leaders seek to develop new models, their organizations are held to Configuration Standards⁹ that provide guidelines for the state planning process. The state planning process is designed to address the legal needs of the client-eligible community statewide including the new immigrant populations. A key factor in this planning process is access. In other words, programs must determine how to reach people (including newcomers and other nontraditional client groups) who need services, what services

⁸ Thomas, R. Roosevelt, Jr., *Beyond Race and Gender*, (AMACOM, 1991) p. 10-11.

⁹ See, Legal Services Corporation, *State Planning Configuration Standards: Final Task Force Report*, November 2001.

are needed, and how they can best be delivered.¹⁰ In order to identify these clients and determine how to help them, the legal services community should know how to manage diversity as a resource for strengthening services. Managing diversity is discussed at length in Section B of Part I, below.

Question Three: Who is (Or Should Be) Concerned about Diversity?

So they may better serve their client communities, legal services organizations are expected to partner with other organizations.¹¹ Nationally, federally, and non-federally funded legal services organizations, state and local bar associations, along with other community organizations are collaborating to achieve the mutual goal of providing comprehensive legal services to the client-eligible community in the most effective and efficient way possible. This new relationship is commonly referred to as a state justice community.¹²

Most, if not all, of those engaged in the state planning process forming the state justice community¹³ are stakeholders around the issue of diversity. Stakeholders are people or organizations that are interested in and take ownership of a particular issue. They assume responsibility for seeing that the vision is carried out. Stakeholders engaged in providing legal assistance to the low-income community or supporting and enhancing groups that do should be concerned about diversity. Examples of such stakeholders include persons connected to a legal services organization who are: (1) members of the governing body, (2) clients, (3) staff and (4) job applicants. Other stakeholders include: (1) bar associations, (2) community groups, (3) churches and other faith-based groups, (4) social service agencies, (5) state and local governments, and (6) the judiciary and court personnel, among others.

Exercise #3: Those who are stakeholders contribute unique perspectives that lead to creative opportunities. Identify as many categories of people and entities as possible who are concerned about your organization's ability to successfully deliver legal services. Examine the bases of their concerns.

In order to achieve their goals and objectives, the legal services and other organizations participating in the State Justice Community are obligated to provide professional opportunities

¹⁰ See, Program Letters 98-1, 98-6, and 2000-7. Numerous directives have been issued by the Legal Services Corporation since 1996 providing guidance for the implementation and reporting on the State Planning Process.

¹¹ See, 45 C.F.R. 1627.

¹² See, Legal Services Corporation, *Building State Justice Communities*, March 2001. This report documents the progress of 18 states which have initiated changes in furtherance of the State Planning Process.

¹³ Throughout these materials, the concepts applicable to the legal services organization also apply to the broader State Justice Community. Therefore, the reader should not limit the use of these instructions to such programs but feel free to make the appropriate adaptations for broader use.

for the diverse group of attorneys and para-professionals seeking employment with these organizations. These are the people who are responsible for providing services to the client eligible community. And they should reflect the diversity that exists within the client-eligible community by possessing unique knowledge, skills and abilities. To attract a full roster of candidates, organizations should embrace diversity with an open-minded attitude. Recruitment strategies that draw a diverse pool of candidates are central to achieving this objective.

Recognizing the value of having diverse stakeholders can help programs develop new partnerships and strategies to manage diversity and achieve diversity goals. For example, in April 2002, recognizing that many recent law school graduates from minority backgrounds could not afford to work for the low wages offered by most legal services programs, a significant stakeholder, the LSC stated in *Action Steps* that it would “continue to aggressively pursue appropriations, partnerships and other strategies leading to a national loan forgiveness program for LSC program attorneys.”¹⁴ This pronouncement demonstrates the commitment of one stakeholder in the mission of delivering legal assistance to the low-income community.

B. BENEFITS FROM MANAGED DIVERSITY IN THE LEGAL SERVICES ORGANIZATION

Question Four: Why Should Diversity Be Managed?

When used effectively, managed diversity is a tool that will assist an organization achieve its mission. Managed diversity recognizes values and incorporates the unique skills, experiences, and insights that each employee or stakeholder has to offer. Learning to view differences as a resource will improve an organization. For example, clients will receive services that are more appropriate; employees will perform more responsibly, experiencing greater personal satisfaction from their work. Because managed diversity seeks to access the talents of everyone, all employees are afforded the opportunity to work to their fullest potential. This approach is enabling, facilitating, and empowering rather than controlling and directing. It is more than understanding differences, it is inclusive.

When an organization fails to manage its diverse workforce and client-eligible community, there are costs. The costs of not managing diversity¹⁵ include:

- 1. Lawsuits based on organization’s biases;**
- 2. High turnover;**
- 3. Low morale and productivity;**

¹⁴ See, Legal Services Corporation, *National Diversity in the Legal Services Community: Action Agenda* April 2002, p.3.

¹⁵ See, The Conference Board, p.8.

4. Expense for additional recruitment and retraining;
5. Loss of talent to others; and,
6. Negative publicity.

Exercise #4: Organizations benefit from knowing how to use diversity to their advantage. Are there indications that your organization has suffered from lack of managed diversity? What are some concrete examples?

On the other hand, significant benefits arise from a managed approach to diversity. Benefits of managing diversity include:

1. Reduced conflict;
2. More effective managing;
3. Increased employee incentive;
4. Improved morale;
5. Teamwork emphasis;
6. Positive employee questioning;
7. Enhanced loyalty;
8. Decreased absenteeism;
9. Better cooperation;
10. Fewer lawsuits;
11. Improved recruitment/ promotion policies;
12. Performance based success criteria;
13. More effective job assignments/evaluations;
14. Training cost savings;
15. More effective training programs;
16. Better client relations;
17. Improved client loyalty;
18. Better access to facts about the client community;
19. Better information;

20. Improved problem solving;
21. Commitment to professional growth;
22. Increased cooperation vs. competitive emphasis;
23. New ideas from upper management; and
24. Significant organizational improvements.

Exercise #5: When an organization deepens its appreciation for diversity, those associated with it and its mission benefit. Discuss which of the *benefits listed above* are or can be achieved within your legal services organization through increased management of diversity? Can you think of other benefits

Question Five: What Should Your Board Do if Your Legal Services Organization is Not Using Diversity Effectively?

C. TEN GUIDELINES FOR LEARNING TO MANAGE DIVERSITY¹⁶

1. Clarify your motivation

Diversity leaders should understand and agree upon what *motivates* them to manage diversity within their organization. Compliance with federal/state law civil rights and equal protection laws is a traditional motive for valuing diversity. This has resulted in recruitment aimed at being representative of the general population. Similarly, moral responsibility, positive community relations, and social pressure have motivated organizations to become inclusive. In order to be effective as a legal services organization and throughout the state justice community, leaders should agree that the core purpose in managing diversity is to significantly improve and extend client services.

2. Clarify your vision

Reach agreement on the mission or vision of your legal services organization. Once leaders really understand what that is, meaningful discussions can begin

¹⁶ Adapted from the text of *From Affirmative Action to Affirming Diversity*, Harvard Business Review, No. 90213, March-April 1990.

regarding how to recognize and to incorporate the valuable resources full inclusion yields. Leaders should be able to paint a picture of what they hope to achieve with enough detail that others can see it too. For example, a vision of a newly organized statewide program may be to include legal assistance to Native Americans or special education advocacy as a target of client services, even though no specific federal funding is currently available.

3. *Expand your focus*

Effective leaders will explore new ways of recognizing and incorporating diversity. They are not locked into the familiar categories of race, gender, ethnicity, and national origin. As their definition of diversity enlarges, so too will their creativity in using the resources of a diverse group of stakeholders.

4. *Assess your organization's culture*

Examine the underlying beliefs that keep your organization going. These are the principles or assumptions on which the behaviors and activities of everyone in the organization are based. It is through these beliefs that some have been able to succeed while others are passed over. Within the legal services community, it would probably surprise few people to discover that most stakeholders are liberal, independent or innovative thinkers with strong beliefs about equality. Consider what will happen to an otherwise exemplary staff person who does not fit that image? Will their ideas and insights be considered valuable when designing strategies for new outreach projects? How could their contacts with others who share similar perspectives help the organization?

5. *Modify your assumptions*

Leaders who desire to manage diversity effectively will accept the need to change the underlying assumptions that drive the organization when they are not helpful. Assess whether there is a common profile that characterizes those in upper and middle management in the legal services organization? For example, is everyone a white, male attorney or African-American female attorney? If so, what validity does this profile have for measuring performance? Is it just expected that these are the type of individuals who perform well? In what ways have they been given unique opportunities to excel? For example, are they mentored formally or *informally* while others are not?

6. *Modify your systems*

One way of learning what needs to be changed is by asking who benefits from particular policies and procedures and who does not? Who has flourished under it and who has not been as successful? Examination and changes to personnel policies related to performance appraisal, promotions, and activities that sponsor or mentor employees (e.g. training opportunities) are especially important areas to consider.

Too often, these areas create a glass ceiling¹⁷ that prevents the advancement of women, persons of color and others from certain groups. Consider which applicants for legal services are denied assistance. What is the basis? Are there patterns that demonstrate that certain types of applicants are referred elsewhere more frequently than others? Is there a good reason for this practice? Will the organization's diversity profile change if new procedures are established or resources redirected?

7. *Modify your models*

Leaders are expected to create systems and environments where people are able to do what they have been given responsibility for accomplishing. Many times, however, leaders will reward only those who model themselves after their superiors. These leaders have little regard for those who do not conform to traditional patterns. This is a limiting attitude that fails to recognize the opportunity to expand beyond current capacity. Understanding that there are distinctive personality types, for example, can lead to a healthier working environment because leaders will appreciate that people learn differently and respond to one communication approach over another. An effective diversity manager will learn to become more flexible by relying on the strengths of each person in the unit. There will surely be enough talent within the group to assure that the goals and objectives are met.

8. *Help your staff to pioneer*

Leaders in the legal services organization should recognize that major responsibility for effectively managing diversity falls upon the management staff. Managers are expected to foster the principles of diversity. And yet, they also will receive the most complaints about routine problems, in addition to those associated with new diversity initiatives. Boards should encourage and support managers who lead diversity efforts, ensuring that they are given adequate resources and realistic expectations for their performance. They are pioneers! Boards also should model within their membership the same diversity leadership and productive embrace of differences that they want program managers to pursue.

9. *Apply the “special considerations” test*

Examine structures in your organization that foster diversity. Determine if a project, policy or practice inadvertently favors one group and, if so, move to change it. You want to achieve an environment where everyone is able to contribute and

¹⁷ See, U.S. Dept. of Labor, Employment Standards Administration, Office of Federal Contract Compliance Programs, *A Corporate Management Compliance Assistance Guide: A Primer on Potential Barriers to Advancement*. GPO, August 1991. This research report examines attitudes and organizational barriers that hinder the upward achievement of women and minorities in the workforce. They identified stereotypes and misperceptions, chemistry, family commitments and leadership qualities as the attitudinal barriers. Organizational barriers included: recruiting, autonomy, developmental programs and training, mentors and sponsorship, networking opportunities, performance appraisals, relocation, staff v. line positions, and discrimination.

perform at maximum capacity. For example, although African-Americans may complain that they are not considered for executive director positions, the solution may rest in evaluating how the program supports professional development including formal mentoring structures. Examine the opportunities available to pursue special interests. Are African-Americans given a chance to join special or choice practice groups such as the appeals unit? Have they been invited to participate on projects with volunteer attorneys, public officials, and community organizations? Are they confined to routine case assignments? How does the performance appraisal process help someone advance in your legal services organization?

10. Continue affirmative action

Managed diversity cannot exist without a diverse workforce, client base and stakeholder pool. Therefore, it is crucial that legal services organizations recruit employees and volunteer attorneys from as many different groups as possible. Of course, it is important to reflect the makeup of the community, either locally or statewide, but it also is important to anticipate future needs based upon the trends seen in other regions. Incorporating information from organizations that are aware of changing demographic needs can make a diversity agenda more effective. Develop formal and informal relationships with women's shelters, organizations that serve special populations in your community, tenant and consumer groups, senior citizen and veterans organizations, among many others. This will raise your awareness about clients and legal needs from groups that may have been overlooked as well as innovative approaches to serving them.

Question Six: What are the Obstacles/Barriers to Managing Diversity?

D. OBSTACLES TO MANAGING DIVERSITY

It would be unfair and misleading to suggest that introducing managed diversity as an organizational value will not be challenged. Nevertheless, an effective diversity leader acknowledges this reality and seeks ways to overcome the following challenges:¹⁸

- 1. Existing culture of the organization;**
- 2. Attitudes that are resistant to change and differences;**
- 3. Lack of understanding of diversity issues;**
- 4. Integrating diversity into the organization's priorities, goals, and objectives;**

¹⁸ From, Wheeler, Michael, "Diversity: Business Rationale and Strategies-A Research Report", No. 1130-

5. Competition with other pressing issues; and
6. Middle and senior management resistance.

Exercise #6: Leaders recognize that efforts to introduce diversity will be challenging. What are some of the reasons that may be given for opposing or resisting diversity initiatives in your organization and in the state justice community? How can you respond to resistance? What other challenges do you see? *Write down your ideas for future reference.*

Part Two: Diversity Leadership in the Legal Services Organization

What You Should Learn

- ❖ Members of a legal services organization governing body shape the mission and vision of the entity, determine its future goals and objectives by establishing policies and procedures, and exercise oversight.
- ❖ The composition of governing bodies is diverse. The leaders should take steps to assure that meetings are conducted in a manner that is inclusive and promotes using the differences amongst its membership to effectively lead the organization.
- ❖ Effective board member orientations are very important. How well a new member of the governing body is introduced to their responsibilities may determine how effective that individual is in the position.
- ❖ Participation of *every* member of the governing body is a right and a responsibility.
- ❖ Members of the governing body who are effective in leadership around diversity issues exhibit certain characteristics. For example, they are clear about the mission of the organization; they incorporate others' visions; and, they demonstrate respect, trust, and empathy.
- ❖ Diversity leaders also are the individuals who demonstrate personal commitment by their individual actions and contributions.
- ❖ Diversity's benefits are maximized when the members of the governing body who are not typically recognized as leaders, assert themselves by interacting, contributing and by rejecting all forms of stereotypes.
- ❖ There are techniques that the members of a governing body can employ to respond appropriately to differences of opinion that will arise when diversity initiatives produce recommendations for change.

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Part Two: Diversity Leadership in the Legal Services Organization

Question Seven: In What Ways Should Diversity be Demonstrated by the Governing Body?

A. ROLE AND RESPONSIBILITIES OF GOVERNING BODY MEMBERS

The importance of diversity is reflected in LSC's Regulations, which specifically describe how members are to be appointed to the governing bodies of its grantees.¹⁹ The majority of members (60%) are attorneys appointed by bar associations in the area. One-third (33⅓%) are client-eligible individuals appointed by community organizations and agencies. The remaining members may be appointed by any source that promotes the mission of delivery of free civil legal services to those who cannot afford the expense. The composition of an LSC program's governing body can present real challenges to board members and to the program the board leads. These challenges may stem from class, race, ethnic, and other differences. These tensions also may exist in the organization's staff relationships. In this instance, the board has a marvelous opportunity to model appropriate behavior for the staff it governs. Productive diversity activities at the board level will illustrate for staff the utility of embracing diversity and enriching internal staff work as well as efforts with the client community with the benefits that ensue. The obligation inherent in a board's leadership role requires that each member set a standard of behavior for the entire organization; what a diversity agenda offers is for each board member to articulate as an individual, the highest purpose and mission of a legal services organization – equality and justice for all.

¹⁹ 45 C.F.R. 1607.

Governing Body is another term for board of directors, the group of individuals who are responsible for making sure the organization has the *resources* to do what it was created to do and that the organization *does* what it is suppose to do. The board accomplishes this: (1) by developing statements of the organization's vision, mission, goals and objectives; (2) by establishing and maintaining a clearly defined organizational structure; (3) by monitoring the organization's resources, including the financial and other property, and its human resources; (4) by adopting policies and procedures that advance the goals and objectives of the organization; and (5) by acting as an ambassador in public relations outside the organization.

It is important that members be given the tools necessary to succeed in these functions, such as written materials or reports. These documents should be provided to the members in advance of meetings so that they can be reviewed prior to the meeting. This will enable members who need help to receive assistance. Early distribution of materials will give members ample time to formulate questions on the meeting's topics that capture the essence of their concerns and prevent avoid hasty reactions to materials distributed at meetings; it also will eliminate barriers for those with limited reading ability, physical impairments or lack of familiarity with the subject matter. A well-developed meeting agenda that clearly sets forth topics and goals will help members to stay abreast of the meeting's pace and purpose.

There is an understandable tendency to defer to a board's attorney members when legal and business matters are debated. True leadership encourages inclusion by ensuring that non-attorney members express their opinions and raise questions. Once solicited, this input should be welcomed and received with sincere, thoughtful responses. This not only fulfills a commitment to inclusion but also assists members to meet their responsibility of informed governance.

It is equally important that the facilities for meetings are free of physical barriers such as staircases, narrow corridors, and sidewalks without ramps or cutaways. Locations also should have access to public transportation if possible, and should have adequate lighting, appropriate chairs, tables, and supplies to support all who attend. A governing body that promotes diversity also should consider providing name tags or tent cards to foster interaction amongst members. Seating plans also can promote interaction.

While a governing body usually convenes quarterly, committees that meet more frequently will conduct a significant amount of its work. All members of the governing body should be familiar with the documents containing the information needed to perform their functions.²⁰

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- ²⁰ Governing body members should be familiar with:
- a. Mission/Vision Statement;
 - b. By-laws;
 - c. Priorities (goals/objectives; strategic plan);
 - d. Minutes of Governing Body and Executive Committee Meetings;
 - e. Table or Chart of Organization;
 - f. Policies and Procedures;
 - (1) Eligibility and Case Acceptance Policies
 - (2) Intake System Procedures
 - (3) Personnel Policies
 - (4) EEO/Harassment Policies

Some documents are more complicated than others. A governing body concerned about the effective use of diversity will make sure that the information is provided so that all members understand it, ensuring that those who need extra assistance and training in the use of the documents receive it.

Exercise #7: In most instances, there are creative solutions to the problem of someone being or feeling left out. Those solutions are “accommodations.” What accommodations does your governing body make in order to assure the highest level of participation and contribution by every member?

B. LEADERSHIP ORIENTATION IS KEY TO SUCCESSFUL PARTICIPATION OF ALL MEMBERS OF A DIVERSE GOVERNING BODY

In similar fashion to other corporations, when an individual is appointed to the governing body of a legal services organization, an orientation session is usually provided so that the newcomer will become familiar with the overall structure and operations of the organization. The orientation should include the history of the organization, its mission, board structure/operations, location of offices, key staff members, program priorities, case management and legal service related policies.

Board member functions are generally defined, but the organization’s *expectations* for the contribution of services by the new member also should be explained during orientation. Since individuals appointed to the governing body have differing backgrounds and experiences, orientation activities allow a diversity conscious leadership to assess what the organization will need to provide to its new members so that they become effective participants and leaders.

Exercise #8: It is important to understand that everyone on the board has something valuable to contribute. Allow members to discuss their reasons for joining — include personal background statements; what members each feel they have to offer to the organization; what each would like to have known about the organization *prior* to joining, *at the time* they were appointed and *now*. After these presentations, discuss whether the current orientation process for new members is effective. *Write down suggestions that you think will improve orientation.*

(5) Financial Management Policies

- g. Case Service Reports (and other outcome measurements);
- h. Budget and Monthly Financial Reports;
- i. Annual Audits;
- j. Annual Reports; and
- k. Newsletters and other promotional materials of the organization.

As a result of legal training or other education and professional experience, some members will already understand corporate structures, the delivery of legal services and human resource management. Effective governing bodies value such expertise in their membership. Other appointees will bring different and equally worthwhile skills to the table. It is a central aspect of diversity that governing bodies publicly recognize and benefit from the additional (and sometimes untraditional) insights that their membership brings to board discussions.

C. CHARACTERISTICS OF EFFECTIVE LEADERSHIP IN DIVERSITY INITIATIVES ²¹

1. Clarity

The organization's leadership should clearly articulate the vision or mission of the organization and enumerate the steps needed to achieve it. This will require the governing body to examine the core values of the organization, along with the goals, objectives, outcomes and strategies previously and currently employed to achieve the organization's mission *before* announcing a new vision or mission.

2. Shared meanings and purpose

Leadership can shape and communicate the organization's vision in such a way that anyone concerned about diversity will feel *invited* to tailor their own plan for the organization to the strategy adopted to reach the goal. In this way, the organization can enroll all available resources in the effort to attain their mission's promise.

3. Respect, trust and empathy

An effective leader will emphasize the importance of mutual *respect*, *trust*, and *empathy*. Too often, however, leaders strive for camaraderie instead. It is important that agreement exist around the mission or vision of the organization. It is not necessary for everyone to like one another, socialize together or become friends.

Respect simply means to appreciate the worth of others. *Trust* is to have confidence in the reliability of another. *Empathy* is the mental ability of one individual to identify with the character and experiences of another person. Those who are concerned about diversity will strive to achieve these attitudes on the board itself as well as in the

²¹ From, *Building a House for Diversity*, Thomas, R. Roosevelt, 1999. - The author examined the experience of Phil Jackson, the infamous former basketball coach of the *Chicago Bulls* and current coach of the *Los Angeles Lakers*, who provides an exemplary model of effective use of diversity in the approach he employed building the *Bulls* team, including the recruitment of individuals who did not appear to fit the team "profile" and then working in a deliberate fashion with those already on the team to gain their acceptance of his planned strategies.

entire organization. These attitudes do not require that everyone assume artificial friendliness or sameness, but rather, that a positive regard for one another is fostered.

4. Differences should be approached in context

Differences are a reality. Once this realization is accepted, it is more effective to consider diversity in the course of regular operations rather than creating fanfare that leads nowhere. An effective leader examines the impact differences have on the goals, objectives, priorities, procedures, policies, and practices of the organization, positive or negative. The way diversity is used may advance or retard the effectiveness of the board and thus the health of the organization. If the neighborhood served by the organization was predominantly African American in 1987 is now home to immigrants from South America or Southeast Asia, then a board that is sensitive to diversity developments will ensure that the program's outreach strategies, case priorities, staff hiring and training and its own board membership reflect the area's new population.

5. Focusing on the moment makes it easier to address diversity effectively

It is essential that the leadership of a successful legal services organization clarify the requirements needed to accomplish the current mission. The organization should determine what is needed to be effective today! For example the demographics of the client eligible community may have shifted, necessitating that bilingual services expand beyond Spanish to include, Haitian-Creole; or current conditions may mean that a flexible work schedule is needed today to accommodate staff who are single heads of household or working clients who need night and weekend office hours.

6. Everyone, not just leaders, is critical to improving diversity work

It is important that leaders convey the strong, affirmative sentiment that cooperation is fundamental to the successful management of diversity. This message should include the entire organization, and its relevant communities. Working together as a team, each person involved in the achievement of the mission of the organization should be willing to embrace this commitment.

7. Diversity of all kinds is challenging

An effective leader recognizes that obstacles and challenges will arise with the introduction of new diversity initiatives. It is natural for change to be met with opposition resulting from fear, distrust, misunderstanding, or lack of vision. A leader anticipates this response and does not become easily discouraged. The board is the centerpiece of this work. Members should openly support the program's management in its diversity efforts so that the staff and greater community note that the organization's commitment to inclusion is deeply rooted in its leadership. Boards can help program managers focus on ways to overcome the negative reactions and understand that change

is inevitable.²² They can ensure that the program budget includes funds for diversity training and other resources that will educate staff and diffuse tensions.

Question Eight: What Should We Do When Diversity Leads to Disagreement in the Governing Body?

D. PERSONAL COMMITMENT OF GOVERNING BODY MEMBERS TO DIVERSITY

When an individual accepts an appointment to a governing body, a willingness and desire to work cooperatively with the other members is essential. Unfortunately, not everyone is at the same level of maturity when it comes to the subject of diversity. There is no guarantee that a newly appointed member of the governing body will understand or appreciate the fact that it includes people from different racial, ethnic, geographic, economic, educational, religious and political backgrounds. Nor is there a guarantee that the new member will value the richness contained in a diverse board. Effective board leadership should foster the importance/benefits of these differences amongst all members by encouraging each to examine their personal growth in this area.

Listed here are several attitudes practiced by or reflected in individuals who have developed maturity about diversity.²³ These individuals:

1. *Accept personal responsibility for enhancing their own and their organization's effectiveness*

They do not wait for others to lead the way, but adopt a belief that they are individually responsible for actively changing how they interact with others so that the entire entity benefits.

2. *Demonstrate²⁴ knowledge*

They know themselves and their organizations; they understand key diversity concepts and definitions; and they act on this knowledge. They are mindful of their own goals, objectives, and standards and periodically examine their beliefs about diversity. Similarly, they examine how the organization – board and program — has embraced and

²² See, Johnson, Spencer, M.D., *Who Moved My Cheese?* G.P. Putnam's Sons 1998. This book can be read in less than one hour. It is a powerful individual or group study of the inevitability of change, applicable to both the workplace and personal life.

²³ From, Thomas, R. Roosevelt, Jr., *Building A House for Diversity*, (New York: AMACOM, 1999) p.11.

²⁴ *Ibid.*. The author refers to this form of knowledge as “contextual knowledge.”

managed diversity, particularly in comparison to its mission statement. They understand why diversity is important to the client community.

3. *Base decisions about who to include on how their differences impact the ability to guide the board and program to a full realization of the mission*

These individuals know that diversity is not the same as inclusion. It is more. Diversity does not mean representation or having a certain number of people from certain groups. Diversity is about openness to differences in attitudes, perceptions, and behaviors. Effective management of diversity, therefore, involves identifying what is required to reach goals and then determining which individuals will assist most appropriately by contributing important skills, knowledge, and experiences, regardless of the group they come from.

4. *Understand that diversity is accompanied by complexity and tension and are prepared to cope with these in pursuit of greater effectiveness*

They understand that change evokes discomfort and tension in people. They expect this and prepare for it. They do not see it as a negative experience. Instead, they seek ways to bring about compromise and agreement. They seek to draw from the best that everyone has to offer. Conflict arises when leaders are unable to manage tension in a productive way.

5. *Challenge conventional thinking*

Diversity is effectively managed by those who think creatively, who demonstrate a willingness to go beyond the traditional approaches. These individuals examine stereotypes and develop different mind-sets. They experiment with concepts that result from exposure to the needs and ideas of people from different backgrounds and experiences. Differences are seen as an asset and necessary to fully realize the organization's promise.

6. *Engage in continuous learning*

These individuals recognize that the process of becoming an effective diversity leader involves regular examination of oneself, one's environment and the lessons learned about each. Those who are effective in managing diversity cultivate new responses to change on an ongoing basis, and these responses become second nature. They have learned to identify diverse elements within groups of people, to analyze how they relate to each other and how to select the appropriate response for situations that occur as a result of interactions between diverse people.

E. DEALING WITH THE DISCOMFORT OF BEING A “DIFFERENT” GOVERNING BODY MEMBER

Too often valuable contributions of governing body members are lost when individuals do not feel valued or that they have anything worthwhile to contribute to the organization. They attend meetings, but say nothing. They vote, but follow the lead of others they believe to be more knowledgeable. Ultimately, their presence on the governing body becomes token membership. For example, a young Asian, female attorney may not feel comfortable asserting her opinions in a group of predominantly white, male attorneys even though she has tremendous professional and cultural experience to share! This is a loss to the board, program, and community. Our study has discussed how leaders can make the participation of others genuine. But there also are things that new members or those who feel like outsiders²⁵ should do.

1. *Do not assume everyone is hostile because of previous bad experiences*

It is important to recognize that each of us brings life experiences, positive and negative, good and bad, into a new situation. We each have each experienced some form of discrimination either directly or through someone else we know. In order to succeed as a member of the governing body however, it is important that you recognize that negative behavior is often based in *ignorance*. When someone has acted inappropriately, seek to understand his or her real intentions before reacting. Educate them. Then, give them an opportunity to “save face” or apologize. ***When you demonstrate self-control and professionalism, it sends a message to others to re-examine their biases and predispositions.***

2. *Admit that you need all the help you can get. (S-A-M-E)*

Appointment to the governing body of a legal services organization is very prestigious. Those who are given such an opportunity are not totally prepared for all of the responsibilities involved. Take the initiative to get help from everyone you can. Adopt the attitude that it is your responsibility to make others feel comfortable with you. Look for role models both from your own cultural background and from the more dominant groups. One can be a successful board member by attempting to:

a. Socialize

Take the first step in meeting people on the governing body who are different from you. This will require you to move or stretch out of your comfort zone.

²⁵ See, Blank, Renee and, Slipp, Sandra, *From the Outside In*, (AMACOM, 2000).

b. Acknowledge

Allow others to tell you about themselves. Learn what they believe is important and what they are good at doing. This will help you identify ways in which you are the same and understand how others may help you succeed as an effective leader on the board and for the program.

c. Maximize Mutual Interest

Determine areas of common interest and focus on those in conversations. This may lead to future opportunities to network with others who share the same interests related to the mission of the organization or to socialize on a personal level. It will open avenues of understanding about community resources that can benefit clients.

d. Empathize

Learn to put yourself into another person's state of mind. Listen carefully to gain understanding of the true feelings of others who you meet. This also demonstrates your interest in the other person. Remember that you will have to exhibit empathy each time you meet with a new person until a concrete relationship has been developed.

3. *Demonstrate that you are valuable to the organization. (R-U-L-E)*

As one who wants to be a useful contributor, it is important that others learn the value of who you are. You should emphasize your strengths by revealing what you have to offer. Consider why you were appointed and then commit to sharing your skills and experiences with board colleagues. Here are some strategies that will help:

a. Risk-Taking

Simply put, this means to take action. Offer ideas and suggestions that advance the organization's goals based on your special insights and experiences. Do not be afraid to make a mistake. If you do, forgive yourself, learn from it and remain *positive*.

b. Uniqueness

Recognize the important gifts that you bring to the organization because of who you are culturally or as a member of a certain group. Present them so that others understand how they bring a new dimension or point of view to the board's deliberations or program's work.

c. Learning

Spend as much time as possible learning about your organization. Focus on the significant issues related to delivery of legal services, along with strategies used to provide the services. Finally, learn about your community's cultural, political, and socio-economic issues and how they color the clients' legal needs and concerns.

d. Excellence

Demonstrate to others that you value *high standards* by including that attitude in your work and in your expectations of the organization.

4. Make Sure Your Organization Knows What You Do (N-O-T-I-C-E)

Let others in the governing body know who you are. Do not be overly modest about past successes. After all, someone had to think highly of you in order for you to have been appointed. Share your talents and background with others. You are a valuable asset to the organization. It is important that you sell yourself. Do not be afraid to let others spread the message about who you are. Here are some strategies:

a. Network

Make contacts with others who can help you to become a successful member. Build *relationships* with people, not simply an exchange of identification information. These relationships can be with people from backgrounds similar to yours, but also with individuals who are long-standing members of the governing body. It is important to show that you can be comfortable with all kinds of people.

b. Organization

Adopt the attitude that the legal services organization with which you are connected is extremely important to you. Actively promote the vision and mission of the organization during meetings as well as in the community. Volunteer for special projects or to make public appearances that showcase your entity. Give priority to how you prepare for meetings. Stay in tune with the pulse of the organization.

c. Timeliness

Know when and in what way you can tell others who you are. It is important that you are sensitive about the audience and the circumstances. Speak in a matter-of-fact fashion about yourself, without downplaying your strengths. And when an opportunity to shine comes along, show that you are enthusiastic!

d. Inspire

Demonstrate a positive attitude. It will draw people to you. This means that you are enthusiastic, energetic and have a strong drive. Also, encourage others who are working hard. Of course, the important thing is that your motivation is in line with the mission and vision of your legal services organization. This attitude will cause other members of the governing body to seek your opinion. They will want to hear from you.

e. Challenge

Develop a plan that will help you to gain recognition on the governing body. Identify areas where you need to improve and strengthen yourself in those areas. Understand the importance of taking a risk and stretch yourself to benefit the organization. Perhaps you could volunteer to work on the annual meeting arrangements, or to introduce a speaker for a community legal education event, or write an article for the newsletter. Finally, recognize the stereotypes and labels that have been placed on people from your race, gender, ethnicity or age group and work towards overcoming the myths about who others assume you are.

f. Educate

Show others that your engagement in the board's work improves the outcome. This is not simply true because of your skills, but also because of your life experiences. For example, this may mean that during discussions about adopting new policies or budget planning, you share insights you have gained about the client community or about the negative effect a board decision may have upon a certain group or legal problems. Do not be hesitant to use what you know to educate others.

5. *Become Aware of Your Cultural Style*

Identify in your background areas that may undermine your effectiveness in the organization. For example, what have you been raised to believe about addressing people of the opposite gender? How do you feel about challenging an elderly person? Do you socialize regularly with people from cultures different from your own? These experiences will influence your engagement with the organization. In order to maximize your involvement on the governing body, decide which of these values you are willing to change and which ones that you cannot. Do not see your decisions as selling-out. A better view is one of compromise to improve your effectiveness. Learn how to set your own boundaries and respond appropriately to those who are disrespectful. Recommend accommodations that promote your values, such as zero tolerance for racial slurs, sexually-oriented jokes and disability-related mocking of others.

6. *Know Your Rights and How To Get Them*

As an appointee to the governing body of a legal services organization you have a reasonable expectation of being able to function in your capacity as a director. However, prejudice does exist. Develop a sense of your own self-worth based upon what you have identified as the skills, talents, abilities and knowledge you are bringing to the organization — speak up for yourself. Learn the proper procedures for conducting board business. This will allow you to determine when your treatment is in accordance with the rules or based on an improper reason. If it looks like you are being treated unfairly, there should be a remedy available to you through the organizational structure. Express your concerns to the board or committee chair. While program grievance policies address employee concerns, boards tend to operate less formally. However, it may be necessary to establish a similar process within the governing body if issues become too intense.

7. *Develop a Plan to Make Your Vision a Reality*

At the time you accepted an appointment to the governing body you had an idea about the things you wanted to accomplish. At some point, you should have begun to shape a more detailed set of goals. Your next step should be to take time to create an action plan to accomplish your goals. Remember that no two people will have identical goals or strategy to attain them. To make your vision a reality, develop a set of *objectives* and the *timetable* to accomplish each. An objective is the outcome or result you want to achieve. For example, an El Salvadorian-born board member, seeing that his ethnic community is growing rapidly, may want the program to establish a unit devoted to the delivery of services to the Hispanic community. He may believe that the program should hire bilingual staff familiar with the legal issues and cultural concerns of the Hispanic community, and create community education materials in Spanish. His objectives will require the board to weigh and make funding, personnel, case priority, and other significant decisions. A member who brings this kind of request to the board should be its key advocate, and present a plan that shows why the project is needed, how best to implement it and how it will strengthen program services. Success will require dedication to the objectives, even when challenges arise. Successful members are those whose efforts bring the organization closer to its vision along with their own.

Exercise #9: It is important that every member of the governing body be treated equally, have adequate resources and fully participate in the work of the group. Break into small discussion groups of four to five members. Allow each member to examine and explain how well they think they have met the responsibilities of their board position. Discuss how each member feels they are perceived by others. In the discussion, include an inquiry about whether the governing body shows preferences or biases within its membership. If so, on what basis? *Make sure someone takes notes.*

F. RESPONDING TO DIVERSE OPINIONS WITHIN THE GOVERNING BODY

It is unrealistic to believe that all members of the governing body will think alike and agree on all matters. Disagreement is useful when it is received in a way that values diversity. It is important to examine all ideas if the governing body is going to benefit from its own diversity. Members should feel safe about voicing their concerns and sharing their perspectives, otherwise the organization will lose the opportunity to incorporate valuable insights in the process of performing its functions, such as policy development and funding decisions.

A governing body that embraces diversity also will recognize the importance of reaching agreement. A successful process for airing different points of view should seek to achieve consensus around the broader issues first. Then, begin to narrow the discussion by focusing on the next level of issues. When agreement is reached on this set of issues, move to the next. Ultimately, this process will lead to a resolution that reflects the widest spectrum of opinions with some amount of compromise at each level. When it becomes apparent that no further agreement can be reached by consensus, the governing body should rely upon a vote taken in accordance with a fair process.

To nurture an atmosphere that welcomes diversity, a governing body should adopt a set of guidelines for how meetings will be conducted. Many organizations have adopted *Robert's Rules of Order*. The most important thing is guaranteeing that all members will be afforded equal and fair opportunities to participate in the proceedings.²⁶

²⁶ See, Carver, John, *Making Diversity Meaningful in the Boardroom*, (JOSSEY-BASS, A Wiley Co.,1997).

Part Three: The Link Between Leadership and Diversity

What You Should Learn

When the legal services organization uses its diversity effectively, diversity becomes another of the tools that are used to provide the delivery of quality, civil legal assistance to clients.

- ❖ An effective way of managing diversity is by the development of a strategic diversity plan. A diversity plan contains methods, schemes, techniques, tactics and approaches to achieve the mission of the legal services organization and community to provide legal assistance by incorporating skills, knowledge, abilities and experiences of all the different stakeholders.
- ❖ The most significant element of a diversity plan is the *commitment of the leaders*. This must first be demonstrated by the governing body, whose members will then convey the message to senior management, staff, and other stakeholders through the adoption of policies, procedures, public relations (statements and image) and other initiatives.
- ❖ A comprehensive diversity plan should begin with an “organizational cultural assessment.” This is a review of the organization’s history, along with an examination of its current vision, mission, and strategic plans to accomplish goals and objectives. The assessment also should examine current policies, practices, procedures, and management styles.
- ❖ Many sources of information can feed an organizational cultural assessment. A review of documents is one approach. Others approaches include examining the attitudes and behavior of stakeholders through personal interviews, focus groups and questionnaires.
- ❖ Each legal services organization is unique; and so too is each state justice community. Your diversity plan should reflect your situation and needs.

NOTES

Part Three: The Link Between Leadership and Diversity

Question Nine: Once Diversity is Embraced, Then What?

A. Strategy for Managed Diversity: The Diversity Plan

We have spent significant time learning about what diversity is and how it can improve the quality of legal services to our clients. Diversity is an essential element in a rewarding work experience that affords each employee an opportunity to excel. Summarizing the July 25, 2001 Diversity Conversation held in Berkley, California, LSC reported that:

Diversity is a state of being - where we want to be and where we are going. The ultimate goal of diversity is not to get from another for me but to expand the circle of inclusion. Diversity values a broad range of people so that no one is left out; it makes connections between various aspects of our individuality. Affinities are recognized on gender lines, along race and ethnicity patterns; there is an acceptance of how they link us as well as make us unique.

The role of leadership in fostering the environment described above is fundamental to the achievement of any efforts to value diversity. The governing body stands at the helm of the organization. It is this group of individuals that is responsible for shaping and guiding the direction of the organization. They embody and articulate the core values of the organization. Their commitment to diversity will influence the organization's success in optimizing the benefits of differences within the community.

This commitment is realized by *managing diversity*. Managed diversity is more than understanding or valuing diversity. It means to use it as a *tool* for incorporating the differences of all those who are concerned about the mission. And, of course, that mission is to deliver the highest quality, civil legal service to as many eligible persons as possible. To foster the effective

use of diversity, your organization, like most, will need to develop a strategy or, more specifically, a *diversity plan*.

A *diversity plan* sets out the method by which an organization will *use* diversity as a tool for the effective achievement of its long and short term goals. The following is a list of essential elements of a diversity plan, in order of relative importance:

1. *Management commitment, leadership and support*

It is essential that the governing body demonstrate its leadership by anticipating and preparing for the changes that will result from the effective use of the diversity of your client-eligible community, staff and other *stakeholders*²⁷ in planning how to deliver legal services in your service areas.

2. *Integration of diversity initiatives into organizational objectives*

The governing body will note that a full embrace of diversity considerations into their deliberations and decisions will lead to innovative projects and new goals. In turn, this will allow staff to pioneer areas where little has been done to identify and respond to legal problems that reflect changing community and workplace needs.

3. *Communication and continuing dialogue among all employees*

It is up to the governing body to show staff why including a variety of viewpoints enhances the work product. Valuing and incorporating diverse perspectives is essential in an organization that wishes to adopt effective delivery systems. During case review meetings, for example, is time sometimes devoted to inquiring about and analyzing shifts in legal problems and client needs?

4. *Education and training*

Devote adequate time and resources to teaching your staff and other stakeholders about diversity issues and why it is important to recognize, acknowledge and incorporate these differences into the organization's plans. Do not assume that everyone will understand the importance of diversity.

5. *Accountability with consequences, especially for senior and middle management*

As the governing body demonstrates its commitment, leadership, and support for integrating diversity in the organization's activities, the need for planned diversity

²⁷ In previous sections of this material the term *stakeholder* was used to define “. . . people or organizations who are interested and take ownership over a particular issue. They assume responsibility for ensuring a vision is carried out. In the area of providing legal assistance to the low-income community, these stakeholders should be concerned about diversity.” See, Part One, “Diversity - The Concept” *supra*, Pg.4.

initiatives will grow. Be sure to make someone or some group of individuals responsible for carrying out the diversity plan, complete with appropriate ways to measure its accomplishments, and study, if appropriate, how and why it failed to meet goals.

6. *Employee involvement*

Do not plan in isolation. Both employees and other stakeholders have valuable contributions to make and should be given the opportunity to shape the development of the diversity plan. Involvement of staff and other stakeholders will increase their commitment to the management of diversity.

7. *Measurement of initiatives*

Find ways to assess the achievement of goals and objectives set forth in your diversity plan. Statistical and substantive analysis of cases, caseloads and client bases is one means. Examination of staff patterns, including recruitment and retention successes is another. Reviewing the increase or change in affiliations with community organizations and agencies is yet another evaluation tool.

8. *Line-driven initiatives*

It is helpful to create diversity initiatives that relate to particular work units or client groups. For example, a diversity focus may center on the services of a specific regional office or substantive law area or job category. The common interest will help to generate interest around the issue.

9. *Exclusive definition of diversity*

Because no two organizations are identical, it is important to develop a statement of what diversity is within your organization or your community. This will reduce the likelihood of confusion around issues that have not been included at a particular stage of diversity planning. For example, the organization may not want to examine family status of staff members during the development of its first diversity initiatives.

10. *Culture change*

The underlying assumptions that led to the organization's objectives should be re-examined and changed to recognize the many and the variety of contributions to organization's accomplishments. This is a continuing process that evolves as new insights and perspectives emerge to influence the organization's work and goals.

11. *Clear diversity vision and objectives*

As the commitment of the governing body to the principles of managed diversity deepens, the members should create a statement of that commitment and how they

envision it being accomplished. The statement also should clarify what is to be achieved through their diversity work.

12. *Access to decision making and decision-makers*

The process for embracing diversity is one that should not be undertaken in a vacuum. Stakeholders should be afforded the opportunity to interact with those who will ultimately make the decisions about how diversity is incorporated. This may initially mean interaction with the governing body. However, as the responsibility of managing diversity is delegated to senior staff and others assigned such oversight, opportunities for their input should occur.

13. *Champions of diversity at all levels*

No cause can be successful without advocates. This is as true of diversity initiatives as it is of other efforts. At every level, there should be persons in place who have the ability to influence others and the willingness to take a risk. These are the people who will spread the arguments in favor of diversity and the needed justification for adoption of managed diversity within the legal services community. As they persuade others of its importance, the momentum will grow and new initiatives will be possible. For example, when appointing an *ad hoc* committee, the board chair may select a new, client-eligible member to serve as the committee's co-chair, along with a long-standing member. This will afford the newer member an opportunity to learn how the governing body operates and develop the skills needed to become a high-performing participant.

Similarly, a program's supervising attorney who encourages the only Asian-American staff attorney to join the others for a weekly lunch, where fellow attorneys discuss recent experiences in the local courts, will provide that attorney an opportunity to gain critical knowledge and build relationships that improve his professional performance. Further, the Asian-American lawyer's cultural experiences may prove valuable to the "old hands" as they struggle to understand new legal concerns that may emerge in the client community.

14. *Resources*

A commitment to allocating financial resources to diversity is essential to the success of the initiative. Does the budget adopted by the governing body reflect the organization's commitment to diversity? Are resources needed to serve diverse client populations in place, such as budgets that support hiring culturally competent staff, creating foreign language materials, underwriting far-ranging recruitment searches to ensure that opportunities exist to retain bi-lingual staff, staff of color and contractors to translate brochures and other written information that the program distributes to clients?

15. *Strong recruitment, retention and promotion efforts*

Essential to the success of any diversity effort is a commitment to developing a diverse staff. Indicators of this commitment can include an examination of various ethnic and racial groups in the service area as well as recognizing the gender, age, disability, and other special attributes of the client community. Hiring is only the first step. It should be followed by specific efforts to retain employees by providing them with adequate training, support, and opportunities to advance.

Exercise #10: Managed diversity is not a haphazard result of differences in the organization. After reviewing the List of Essential Elements of A Diversity Plan, brainstorm to develop a list of prioritizing elements you would like to incorporate within your organization and community. *Make sure to keep notes of your ideas.*

B. PRELIMINARY STEPS TO IMPLEMENTING A DIVERSITY PLAN

1. *The Need to Conduct an Organizational Cultural Assessment*

The organizational cultural assessment is an information gathering process that identifies the assumptions or cultural roots upon which the organization's current diversity related attitudes, knowledge levels, concerns and expectations are based. Conducting such an assessment will show the organization's leaders how these hinder or help the process of managing diversity effectively. The assessment should also help the organization to create an atmosphere that is supportive of all diversity work and its relationship to the goals and objectives of the legal services organization.

The *organizational cultural assessment* will require substantial commitment from the governing body and senior management. There should be a certain level of buy-in throughout the organization before meaningful work can occur. Consequently, the involvement of other stakeholders is extremely important.

The assessment may be comprised of a brief questionnaire, in addition to a combination of one-on-one interviews and focus groups of randomly selected individuals. The initial stage of such an assessment is the *document review*, an internal analysis of the organization to determine:

- ✓ The founding principles of the organization and how these principles have evolved with changes in the environment of the organization;

- ✓ The current vision, mission, and strategies of the organization; and,
- ✓ The current practices within the organization related to management and supervision policies, affirmative action, and recruitment and performance appraisals.

2. ***Information Sources Required to Conduct an Organizational Cultural Assessment***

In conducting a cultural assessment, use information from a variety of sources. As you inquire about your organization's cultural roots, you will want to obtain information in different forms that will give a current picture of who you are. It also is important to assess how the cultural roots of the organization have affected groups connected to your organization.

- a. The **types of information** necessary to complete the organizational cultural assessment fall into three categories:
 - (1) **Historical/Documentary:** This information will reveal the founding principles of the organization, its current vision, mission, and strategic plans, along with current practices in the organization.
 - (2) **Attitudinal/Opinion:** This information will reveal attitudes and opinions that reflect the organization's values and how they vary between different stakeholder groups.
 - (3) **Behaviors/Practices:** This information will reveal how different behaviors and practices affect different groups of staff, clients and stakeholders, and how these groups and individuals view the behaviors and practices.

Exercise #11: A successful diversity plan is one that takes into account the culture of the organization. Discuss and list as many sources of information as possible available to conduct a *document review* of your organization, from which you can begin to examine and explore:

- (1) the core values of your organization;
- (2) prevailing attitudes about diversity within the organization;
- (3) the employment practices that are affected by diversity;
- (4) the delivery of services that are affected by diversity;
- (5) community relationships that influence diversity; and other relevant data.

- b. The *content of information* obtained from an organizational cultural assessment should contain stakeholder:
 - (1) expectations of the organization and how these expectations have or have not been fulfilled;
 - (2) perceptions of what it takes to be successful within the legal services organization;
 - (3) perceptions of management and supervision styles and practices;
 - (4) perceptions of human resource practices and systems;
 - (5) perceptions of diversity issues and the degree to which diversity is respected and valued within the organization; and,
 - (6) characteristics, such as race/ethnicity, gender, seniority, position, educational level, age, location, etc. reflected in governing body membership, staff and advisory groups, if any.

3. ***Techniques for Conducting An Organizational Cultural Assessment***

a. **Document Review**

The document review is critical and should include an examination of public relations materials; vision and mission statements; strategic plans, annual reports and other reports of accomplishments; newsletters; training materials; and, personnel handbooks, policies and procedures, among other items.

b. **Other Techniques**

While a significant amount of information will be revealed in the *document review*, it alone will not be enough to give a clear picture of the organization's culture.²⁸ To obtain other needed information, it will be necessary to involve individual stakeholders, including clients, staff, and community partners. They may be reached through several different approaches:

- (1) **Personal Interviews:** This may be the best way to obtain information from stakeholders. BUT, it is costly, time consuming and technically difficult to use as the basis of making broad generalizations because there are usually too few participants to justify the sampling.

²⁸ See, Thomas, *Beyond Race and Gender*, p. 60. Excellent questionnaire sample.

- (2) **Group Administered Questionnaires:** This is an effective approach when large groups of stakeholders can be easily assembled at one location. However, this approach requires that a range of stakeholders be able to participate, and independent enough to not be influenced by how others respond. If the audience includes groups of people who are not bi-lingual, focus groups should be conducted in the native language of each client group. Additionally, some concerns may arise for people who are reluctant (justifiably or not) to be candid in their responses to questions presented in a group setting, particularly in the workplace or for those who may not fully understand the question's scope.
- (3) **Mail Questionnaires:** This approach works best where the stakeholders are spread across a large geographic area, such as a statewide legal services program. It is relatively low-cost, and produces a high response rate. BUT, this approach will require a literate target audience, fewer open-ended questions, clerical and technical support in designing and analyzing questionnaires.
- (4) **Focus Groups:** The gathering of stakeholder groups for exchange of information is effective in a limited number of settings. A significant problem is that stakeholder familiarity may impede frank communication because of established power relationships. For example, a senior attorney is not likely to be challenged by a secretary or receptionist.

4. *Determining the Appropriate Assessment Technique for Your Organization*

a. Commitment

The governing body and other leaders of the organization should publicly demonstrate their commitment to the cultural assessment. There is a direct correlation between the enthusiasm of the board for the assessment and the degree to which staff, clients, and community partners will wholeheartedly participate in the project. And, the more buy-in, the better the quality of information obtained. In addition, buy-in will affect the willingness of stakeholders to accept the results of the assessment. For example, allowing a group of employees to have input in the design of a questionnaire will assure heightened participation in the entire process.

b. Stakeholder Population

Size is important. But this should be considered in terms of the overall population of stakeholders AND in relation to the number of diverse

groups. Important to this consideration is where the stakeholders are located.

c. Credibility

An organization should determine whether an outside consultant should be hired to conduct the organizational cultural assessment. Even in instances where the expertise may be available in house, there are trust issues related to neutrality and objectivity that may not be overcome with use of insiders exclusively. History is a good way of analyzing this consideration.

Exercise #12: The organization itself is unique. Therefore it is important to take time to learn as much as possible about its culture. Devote time to analyzing which technique will best accomplish the purpose of an organizational cultural assessment in your organization. Perhaps your governing body will appoint an *ad hoc* committee to make this decision.

d. Resources

The quality of in-house resources is important. By this we mean, expertise.

Part Four: Initiatives for Developing Your Organization's Diversity Plan

What You Should Learn

- ❖ The commitment of leaders, particularly the governing body, to a diversity plan is essential to its success. The diversity plan is made up of different initiatives or strategies that seek to use the differences that have been identified as a means of improving the delivery of legal services.
- ❖ LSC grantees have many opportunities to examine the benefits of diversity and adopt new approaches when they conduct the compliance activities required by law, regulations, and grant conditions.
- ❖ Best practices are examples from other organizations and state justice communities that demonstrate how to use diversity effectively. A review of successful initiatives that others have undertaken can be the foundation for your diversity in your organization and state justice community.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Part Four: Initiatives for Developing Your Organization's Diversity Plan

A. STRATEGIC INITIATIVES FOR A GOVERNING BODY THAT PROMOTE DIVERSITY

The key to delivering high quality civil legal services to low-income clients is effective use of the differences between stakeholders — individuals and groups invested in the success of the mission. These differences are a means to obtain information about access barriers, emerging legal issues, distinct new client communities, relevant cultural influences and behaviors. They will yield opportunities to obtain new service delivery models, new client constituencies, new resources and collaborations. Therefore, the organization should develop and coordinate a plan to use diversity to benefit the organization. Here are some recommendations that have been successfully implemented by others:²⁹

1. Management Commitment

The commitment of leaders and managers is essential to the achievement of effective management of diversity within any organization. However, it also should be underscored that this is more than an essential or conceptual element; it is a strategic element! It is the most important factor in moving the organization forward. In other words, the leadership should demonstrate their individual and collective commitment to

²⁹ See, International Benchmarking Clearinghouse, *Benchmarking Consortium Study: Managing Diversity, Final Report*, 1995 American Productivity and Quality Center.

diversity as a cultural value of the organization. Leaders should become the diversity champions. They should “walk the talk.” There are several ways this can be accomplished:

- a. **Time** should be devoted to achieving the long-term results of diversity by developing, implementing, and evaluating the organization’s diversity strategic plan over a significant period.
- b. **Resources** are needed to achieve and effectively manage diversity within an organization. Budget and resource development is the responsibility of the governing body, whose members can demonstrate their commitment to diversity by positioning funds to support human, technology and programmatic resources that ensures favorable short and long-term diversity outcomes. Funding allocations, however, are not enough. Boards should encourage and support pursuit of grants, collaborations, and other innovative efforts that strengthen diversity goals.
- c. **Support** of the executive director and other managers in their diversity endeavors also is a meaningful way for the board to demonstrate its commitment to diversity. As the director works to optimize the benefits of difference within the pool of stakeholders, it will be the responsibility of the governing body to encourage these activities through initiatives such as:
 - (1) Coordination of state justice community activities to identify unmet legal needs across the state, address access barriers, coordinate resources, and develop a statewide delivery system that seeks to ensure access to justice for all low-income residents.
 - (2) Partnerships with community organizations that provide unique services and the opportunity to cooperate on issues of concern to a mutual client-eligible base.
 - (3) Creating performance standards for the executive director and management team that include goals and objectives related to managed diversity and performance evaluations that assess their efforts to reach diversity goals.
- d. Applying diversity principles to other activities of the organization, such as its investment and procurement policies. It is appropriate to examine the community reinvestment commitment of local banks³⁰ that the organization uses. Consider also the diversity record of your major vendors and suppliers.

³⁰ See, *Community Reinvestment Act of 1977*, 12 U.S.C. 2901, *et. seq.*

2. *Formal Diversity Strategy*

Although it may seem obvious, nevertheless, it is paramount to the success of diversity leaders that they announce the specific goals and objectives they want to achieve. A strategic plan for diversity is as important as that for any other significant initiative. In addition to stated goals and objectives, this plan should incorporate separate strategies to accomplish the following:

- a. **Initiation** or communicating a strong case for why managed diversity is important to your legal services organization;
- b. **Reinforcement** or bringing in professionals or respected outsiders to help convey the key role of managed diversity in your organization;
- c. **Evaluating** or listening to the opinions and perspectives of stakeholders who express diversity-related issues of concern and ways to measure the effectiveness of the responses implemented;
- d. **Developing** the strategic plans for the entire organization, thereby avoiding the creation of plans in a vacuum; and,
- e. **Implementing** the plans designed to create a vibrant diversity culture in the organization.

3. *Awareness and Understanding*

Governing body members who become effective diversity leaders recognize that there will be a significant role to play in championing the benefits of managed diversity among staff and other stakeholder groups. They will do so through several strategic routes:

- a. **Communication** is a preeminent way to cultivate awareness and understanding of the reason for managing diversity. Through their words and actions governing body members and other diversity leaders can almost single-handedly bring about the productive engagement of the organization in diversity work. In addition, the organization can illustrate its commitment through publications that incorporate their diversity message. Items like the mission/vision statement, annual reports, newsletters, brochures and other public documents are a wonderful way to tell the world about your belief in the value of each person. Internally, the degree to which the organization cherishes diversity is expressed in what role diversity plays in performance reviews, assignment and recognition of work, recruitment and training policies, office and outreach schedules that address a variety of cultural lifestyles and in other program components.

- b. **Education and Training** is the other aspect of developing awareness, understanding of what managed diversity is, and how it benefits the organization. Every legal services organization should provide diversity training for staff and volunteers, alike. Allocating adequate staff, financial and time resources will make training meaningful, not superficial or inconsequential.

4. *Employee Involvement*

We have discussed the importance of stakeholder involvement in the creation of a culture within the organization that effectively recognizes the benefits of its differences to accomplish positive results in the mission of the organization. One useful strategy is when representative members of the staff of the legal services organization, along with the other stakeholders are appointed to serve on a diversity council to oversee the diversity plan. This body will create a bridge between the group and the diversity agenda while directing and monitoring progress. Another approach is to utilize the organizational cultural assessment described in Part Two.

5. *Human Resources Management*

An effective strategy for beginning the process of managing diversity studies human resources management. An examination of current patterns and practices associated with how the organization manages its most valuable asset, its workers, will provide insights for future planning. A program that undertakes such an examination might evaluate policies and practices for employees *and* volunteers at all levels, e.g., staff, board, volunteer attorney and law student projects.

- a. **Recruitment/Retention:** It is important to develop plans for the strategic recruitment of a diverse workforce. Preliminarily, the workforce should reflect the demographics of the organization's client community. Using new approaches, such as advertising in newspapers and other media that target immigrant, African American, and other small communities within the service area strengthens recruitment efforts. This strategy is valuable for other outreach activities, including distributing information to clients, announcing program initiatives and seeking volunteers. Connections with law school career placement offices, faculty, and special interest student organizations are other successful strategies, particularly when coupled with regional and nationwide searches that target schools with a diverse student body. Regardless of the approach, part of your organization's attraction to applicants is the degree to which diversity is incorporated at all levels of your work. Consider offering training opportunities to applicants who want to acquire special skills such as improved bilingual skills or sign language capability. Think about fringe benefits that might make your organization attractive to a potential applicant — loan forgiveness or tuition reimbursement for additional academic studies, paid leave to study for the bar exam and other advantages that meet your

diversity agenda, improve staff skills and appeal to recruits looking to grow professionally.

Remember that when you hire a person from outside your community, you may be relocating an individual who has little cultural familiarity with your service area. It is therefore useful to help the new staff person find supportive services and institutions in the community, including religious and cultural centers, and professional peers who are not on staff at your program. The goal is to afford the worker the opportunity to feel comfortable and valued as a person and an employee so that they can grow to their fullest potential while simultaneously contributing their unique assets to your organization and the greater community.

- b. Performance Accountability and Assessment:** One key strategy related to appropriately managing a diverse workforce pertains to the creation of standards, goals, and objectives for job performance criteria. A governing body that sincerely wants an environment where diversity flourishes will establish goals and timeframes for itself and for senior managers (set out in staff performance reviews, and annual reports, reports to bar associations, funders and other stakeholders) that incorporate diversity goals.

The governing body should examine its organization's policies to determine whether they convey the values that support managed diversity. Where appropriate, amend old policies and/or adopt new ones that accurately reflect the organization's commitment to diversity.

Another strategy within the realm of human resource or workforce management is creation of a diversity manager position or job function to identify barriers to diversity within the organization and craft solutions to them.

- c. Career Development and Planning:** A strategy related to management of the workforce reflects the need for workers to gain fulfillment from their affiliation with the organization. We addressed the importance of orientation for governing body members earlier. Such orientation also is essential to the successful introduction and retention of new staff. Orientation should be coupled with a structured mentoring plan. In this way, a seasoned employee can guide the newcomer's professional growth and help them understand the organization's structure and culture.

At all levels of the organization, affirmative steps should be taken to eliminate stereotyping³¹ which may arise from lack of exposure to diverse

³¹ The severity of stereotyping has recently been addressed by the Equal Employment Opportunity

cultures, through beliefs of racial or ethnic inferiority/superiority, or from xenophobia³² and homophobia.³³

Just as the board leadership ensures that all members have the opportunity to themselves initiate activities, so too must the board assure itself that the program's senior management provide ample space in which all staff can exercise leadership potential. Strategies related to career development and training should reflect a commitment to affording staff *genuine* opportunities for advancement within the organization. The governing body should be willing to ask: With adequate preparation, does each employee have opportunities to flourish? Are there occasions to network with program staff and in the community? Are public speaking roles available? Is assignment to a community-based, regional or statewide committee available? Is time permitted and participation encouraged for professional state and local state activities in the individual's field?

No recruit or other worker is likely to be successful within the organization without a commitment to giving each reasonable training opportunities. In addition to the in-house training, the legal services organization should provide financial resources and time for employees and volunteers to receive adequate continued training in their exiting work areas as well as in new fields. This benefit will personally enhance the overall performance of the organization by improving the quality of services and morale.

6. Measurement

Because diversity is more than a concept, but also is a tool for the management of the legal services organization, evaluations of the organization's progress in meeting goals should occur periodically. Measurement of managed diversity should address the

Commission (EEOC) which has published several new documents related to "backlash discrimination" resulting from the terrorist attack against the United States on September 11, 2001. See, *Questions and Answers About Employer Responsibilities Concerning the Employment of Muslims, Arabs, South Asians, and Sikhs*, May 15, 2002; and, *Questions and Answers About The Workplace Rights of Muslims, Arabs, South Asians, and Sikhs Under the Equal Employment Opportunity Laws*, May 15, 2002. Additionally, the Department of Justice has established "An Initiative to Combat Post-9/11 Backlash" to assist victims of alleged national origin or religious discrimination based on harassment, failure to accommodate or failure to hire/wrongful termination.

³² The term "xenophobia" was introduced in the United States in 1903 when it was included in Merriam-Webster's Dictionary. It is defined as "... fear and hatred of strangers and foreigners, or of anything strange or foreign." Merriam-Webster's Collegiate Dictionary, Tenth Edition copyright ©© 2001 by Merriam-Webster, Incorporated.

³³ The term "homophobia" was introduced in the United States in 1969 when it was included in Merriam-Webster's Dictionary. It is defined as "... irrational fear of, aversion to, or discrimination against homosexuality or homosexuals. Merriam-Webster's Collegiate Dictionary, Tenth Edition copyright ©© 2001 by Merriam-Webster, Incorporated.

goals and objectives targeted in the strategic plan, along with the overall performance of key stakeholders to the plan. Explore how well new ideas and approaches have been integrated into the framework of the organization. Besides counting hires and resignations, clients and cases, it is also useful to survey worker satisfaction, examine public relations materials, review speaking engagements and other community outreach to see if they advance diversity goals. These examinations should occur regularly to identify barriers, note achievements and shape future agendas.

7. Culture Change

The ultimate goal of managed diversity is to move the organization *away* from its traditional thinking and *towards* the recognition, appreciation and incorporation of differences within the pool of stakeholders who comprise the organization. To assure long-term cultural change it is necessary for leadership to acquire skills and model the behaviors that encourage the change process. The board's understanding of diversity should inform their treatment of others, including board colleagues, program managers, staff, and clients. More than any other group within the organization, they demonstrate on a local, state and national level the relationship between managed diversity and improving the overall quality of legal services. Core values of honesty, openness, and receptivity are essential to leadership success in this strategy.

B. DIVERSITY IN COMPLIANCE ACTIVITIES

Governing body members may feel that the challenge of integrating managed diversity into the legal services organization is monumental. However, opportunities exist to assess the organization's cultural environment and commitment through activities required by federal regulations.³⁴ These guidelines have been developed to assure high standards of quality in the delivery of legal services, including equal access, continuity, and comparability. For the creative diversity-minded leader, it is also a set of guidelines that invite an examination of the organization's achievements in incorporating diversity. The following list of diversity strategies, inspired by the need for compliance with LSC Regulations, is not exhaustive of all strategies.³⁵

1. Governing Bodies [45 CFR Part 1607]

In relevant part, the regulations provide that: *Appointments shall be made so as to insure that the attorney members reasonably reflect the diversity of the legal community and the population of the areas served by the recipient, including race, ethnicity, gender and other similar factors.* The clear suggestion that diversity should be considered

³⁴ *Regulations of The Legal Services Corporation*, CFR 45 PART 1600 et. seq.

³⁵ The organizations which receive or bid for funding from the Legal Services Corporation will address many of these considerations in the Narrative submitted in response to the *Request for Proposals for Provision of Civil Legal Services* and/or *Form C-Grant Assurances*, executed in anticipation of receipt of funds.

during the appointment process is an opportunity for the legal services organization to be creative in identifying new sources of contact from which candidates may be drawn. Care should be taken to give detailed information about appropriate knowledge, skills, and abilities for the position.³⁶ The organization's emphasis on diversity should be highlighted in all communications with bar associations, and other appointing authorities during the new member selection process.

The organization is not limited to appointments exclusively from the majority bar association in the area. Although the legal services organization is not the appointing authority for its own governing body, nothing in the regulations prohibits the organization from requesting that specialty bar associations within the community make appointments. Additionally, a careful examination of the composition requirements may create the opportunity to appoint representatives who are from other important stakeholder segments such as law schools.

Appointments to the governing body should be followed by an adequate orientation, including the introduction of new appointees to leaders within the board and staff. Emphasis should be placed on the core values of the organization, including the justification for managed diversity.

2. *Executive Director Selection [Form C-Grant Assurance 13]:*

LSC recipients are required to report the selection of a board chair and executive director to LSC within 30 days of the change. When the newly appointed individual is the first the racial or ethnic group, nationality, gender to be selected for the post, or is in other ways a path-breaker, there is a special responsibility for the board to assess whether appropriate resources exist to assure the greatest opportunity for the new chair or director

³⁶ Knowledge, Skills, Abilities and Aptitude of Governing Body Members:

1. Knowledge of:
 - (a) Character of the local or constituent client community;
 - (b) Relevant issues facing the local or constituent client community;
 - (c) Structure and access to the judicial system;
2. Skills, Abilities and Aptitude:
 - (a) To attend regularly scheduled meetings;
 - (b) To read, analyze and understand minutes and notes of meetings; staff, compliance and other reports; policies and procedures, etc.
 - (c) To read, analyze and understand financial statements;
 - (d) To read, analyze and understand statistical reports, charts and tables;
 - (e) To express opinions and otherwise participate in discussions during meetings with other members;
 - (f) To advocate the availability and benefit of program services to the client-eligible community ;
 - (g) To interact with other providers of client services within the community to foster positive collaborative efforts.

to succeed. This also will signal staff that the individual has the support of a powerful group within the organization's hierarchy and will enforce for the newly appointed individual the board's confidence in their selection.

3. *Attorney Hiring [45 C.F.R. 1616]:*

The provisions related to the recruitment and hiring of staff attorneys clearly intend that cultural awareness, facility with foreign languages spoken by the client-eligible community and prior experience with diverse client communities are valued qualifications. It is appropriate to pursue candidates who possess these assets in order to afford clients a better quality of legal assistance.

4. *Client Grievance Procedures [45 CFR Part 1621]:*

The review of client complaints is an opportunity for the diversity sensitive manager or board member to identify areas where there may be a language barrier or other physical impediments to legal assistance at a particular office location. These complaints also may illuminate cultural differences that are being ignored by current organization policies; they may indicate topics and situations where staff (and board members) need additional sensitivity training or education.

5. *Client Service Reports [Office of Program Operation, CSR Handbook 1999 Edition]:*

Each LSC recipient is required to maintain statistical data on cases in a format prescribed the Case Service Reports (CSRs). LSC also collects statistical information on staff race, gender, and age group. The guidelines state that “. . . the executive director, or a designee, shall review the program's case service reports prior to their submission to LSC in order to ensure that the information contained in the reports fairly represents the volume and types of case services which the program provided during the grant year.”

CSRs can point to new trends in the case types and raise useful questions about changes in the client community that the program must adapt to; they can reveal areas where new service delivery techniques or approaches are appropriate. Board review of these reports may assist the governing body in devising and amending diversity strategies.

6. *Competitive Bidding Process [45 CFR Part 1634]:*

An entity's participation in LSC's competitive bidding process presents an opportunity to examine its commitment to diversity and barriers to access. Aside from the EEO requirements articulated in the RFP, the competing organization must demonstrate its familiarity with the client-eligible community and its legal needs. Board members who live and work in the client community are critical resources in directing the organization's attention to existing and emerging client communities and their legal concerns. LSC also asks about the extent to which the applicant networks with other

groups that serve client communities. This is a time to reflect on current and potential community collaborations. Applicants must show that their work is performed in accordance with the American Bar Association's (ABA) *Standards for Providers of Civil Legal Services to the Poor* and the LSC Performance Criteria, each of which raise diversity concerns. Regardless of how well along the "diversity road" an organization has come, the competition process offers the chance for an organizational evaluation of diversity efforts.

7. *Intake/Eligibility Procedures [45 CFR Part 1611;45 CFR Part 1620; 1626]:*

LSC intake and eligibility policies and procedures are strictly regulated. This aspect of a program's work is a fundamental one since it is the gateway through which clients receive services. As such, a legal services organization should closely scrutinize its existing system to determine whether change is appropriate. Do existing office locations and hours continue to benefit the client population given changes in welfare laws, new communities created by immigration, an expanding homeless population or for other reasons? Perhaps more bi-lingual intake staff are needed or telephone intake hours should extend into the evening hours. Are office accommodations fully accessible, e.g., corridor width, handicap bathroom facilities, baby changing stations, telephone for hearing impaired, religion, or gender-based cultural distinctions. The governing body should be certain that resources are set aside to support necessary changes in accommodations.

8. *Priority setting [45 CFR 1620]:*

Determining where the organization's legal resources will be placed can be an exciting opportunity to tailor services to previously underserved and new client communities. Boards can ensure that community legal needs surveys are done in creative and productive ways so that the information they generate is useful and reaches into heart of clients' legal problems. Priority setting procedures that elicit the same results year after year even as client communities change dramatically should provoke a diversity-savvy board to ask why. Boards should be similarly concerned when there are no probing and effective client legal needs studies conducted on a regular basis. After thoughtful inquiries are made and analyzed, boards can consider what additional resources are available to them to ensure that all community voices are heard before they embark on a priority-setting effort. Setting priorities deploys the most important resource of an organization – its legal services – and merits an equally serious effort.

9. *Private Attorney Involvement [45 CFR Part 1614]:*

The recruitment of volunteer attorneys should reflect the same intent to create a diverse workforce that is demonstrated in staff recruitment activities. In addition to personnel classifications, diversity is apparent in the organization's selection of specialized legal services. For example, it could be advantageous to have an immigration attorney to the panel of volunteer lawyers, particularly in light of recent

eligibility exceptions being introduced at LSC.³⁷ Volunteer attorneys also are a resource for bi-lingual capability and sign language.

10. *State Planning Process [State Planning Configuration Standards 11/01]:*

The State Planning Process introduced in 1996 focuses on the creation of a strong and effective statewide delivery system that is based on cooperative and collaborative relationships between legal and social services providers, all facets of the justice system and the client community itself. It has as its goal the provision of high quality legal services to all eligible clients no matter where in the state they reside. Although an extremely challenging initiative, the underlying goal is to expand access for an increasingly diverse client-eligible community. Participation creates an opportunity to explore new ways to make the *tools of managed diversity* work in your legal services organization and indeed, throughout the state! Participation also offers avenues of leadership for staff, clients and board members to guide the growth of legal services work in exciting and effective ways. A special focus of state planning is the creation of designated state planning bodies that will oversee the statewide efforts into the future. Of particular interest in this work is the development of the new generation of legal services leaders to guide this important work in the new century.

C. “BEST PRACTICES”

Best practices are successful diversity initiatives which other organizations may look to as a “benchmark” for their own expectations of future performance from adopting and implementing similar diversity plans.

Here are several brief descriptions of such initiatives:

Example A: Staff of the three legal services programs in one state provide joint, quarterly training activities to members of the State Client Council.

Example B: A program purchased a mini-van, which was then equipped with the latest portable office equipment and technology to create an “office on wheels” so that staff could provide adequate services to clients in remote areas. Clients were interviewed, given legal assistance, including preparation of legal documents, without having to travel to the program’s offices.

Example C: The Governing Body of one legal services organization rotates the location of its board meetings to ease the transportation burden on its members who have to travel significant distances to attend meetings.

³⁷ See, Program Letter 2002-5, entitled, *Eligibility of Immigrant Victims of Severe Forms of Trafficking for Legal Services*, dated May 15, 2002.

Example D: Programs in one state with an impressive record of diversity sponsored a two day conference to develop strategies for responding to stereotypes, prejudices and discrimination that affect women and, in particular, women of color.

Example E: In one state, succession of leadership efforts are guided by an 80 person planning committee which reflects the diversity of the state's client-eligible community and legal services workforce. These efforts are achieved through task forces, specialized service delivery, technology advances and bi-lingual services.

Example F: Attempts at recruiting a diverse work force in one state include participating in law school job fairs, internet advertising, and networking with predominantly black law schools.

Example G: The legal services program sponsors a Management Skills Retreat to provide attendees an opportunity for professional development. The training is open to board and staff members.

Example H: Access barriers for geographically dispersed clients are diminished by the availability of a toll-free statewide access telephone number and the presence of a court assistance office situated in each judicial district of one state.

Example I: The success of many of its diversity initiatives in one state is attributable to the work of the "Diversity Coalition," which has assisted legal services programs in recruiting a diverse workforce and in learning to value and benefit from that diversity.

Example J: Programs in one state have used consultants in developing diversity initiatives; and, are networking with minority bar associations and minority law student associations to recruit new attorneys.

Example K: With the support of a special technology grant, programs in one state have developed a web site to assist clients. Other programs are implementing courthouse legal assistance kiosks to facilitate client access.

Example L: The governing body in one program includes a staff presentation on the agenda of each of its regular meetings for the purpose of learning about the activities currently undertaken by the organization and to hear about community changes and prospective legal needs.

Example M: One program has sponsored the training of foreign-born nationals within its service area as court translators.

Example N: One program with a large geographic service area implemented “teleconferencing” as a means of providing legal services to clients for whom remote access on other islands prevents travel and the ability to participate in face-to-face consultation. In another state with a poor transportation network and a recent influx of African, Southeast Asian, Middle Eastern and Eastern European immigrants, the statewide legal services program provides intake on *AccessLine*, as well as a Spanish *Accessline*.

Example O: One program developed a comprehensive orientation package for its new board members that provided all the information about the organization and about the role of the governing body members. A separate project, “The Face Book” is used to acquaint all members with each other and senior management. The photo journal provided personal data and comments from each individual included in the book.

Example P: Successful training and use of Native American lay advocates to do outreach within their communities and to publish articles in tribal newspapers was undertaken in one area.

Example Q: One program centralized its telephone intake systems to reduce disparity and improve client access to legal assistance throughout the entire service area; and, to expand the quality of its referrals process. This also enabled one bi-lingual paralegal to be available to clients at three offices.

Example R: One program developed a special unit to represent Hispanic clients with support from a local law school that provided student interns and other resources.

Example S: Advertising and participation in public events such as “Law Day” and other school/ community activities within the service area brought heightened exposure about the existence of a legal services organization and the availability of assistance to client eligible individuals. This also drew the attention of potential staff/volunteer candidates from diverse segments of the community.

Example T: A program developed a “mentoring program” for its new board members, each of whom was partnered with an experienced board member to learn the protocol and procedures during meetings; to familiarize them with documents prepared for their review and approval; and, to serve as a liaison to help the new members get acquainted with the other members of the governing body.

Many other creative and successful initiatives are being implemented throughout the country.³⁸ Not all could be covered here. It is important to know that there are resources

³⁸ The American Bar Association Leadership Office of Diversity Initiatives, in conjunction with the

available to guide and give support to your legal services organization or statewide efforts to embrace diversity in meaningful and beneficial ways. Reach out, step out, launch out, and enjoy the return on your investment!

Exercise #13: Now it is your opportunity to create diversity plans specifically targeted at the needs of your organization and state justice community goals! This will be an exciting and rewarding challenge - just the type we enjoy in the legal services community.

Council on Racial and Ethnic Justice, has documented its own and other diversity initiatives sponsored by state and local bar associations, law schools, law firms and major corporations in the *American Bar Association Resource Guide: Programs to Advance Racial and Ethnic Diversity in the Legal Profession*, available online at www.abanet.org/r&ejustice/home, or at www.abanet.org/leadership/recmenu.

Appendix: Suggestions for Selecting and Preparing a Diversity Facilitator/Trainer¹

A. TRAINING SKILLS AND PERSONAL QUALITIES

Overall training ability	Ability to plan, develop and deliver a training session
Knowledge of diversity issues	Ability to understand the complexities of the world of differences
Audience Assessment	Ability to identify the knowledge and openness of participants
Facilitation Skills	Ability to balance your talk/listen ratio
Communication Skills	Ability to present, question, listen, and summarize
Storytelling Skills	Ability to use personal examples to highlight key learning points
Co-facilitation	Ability to work effectively with diverse facilitators
Handling distractors	Ability to handle challenging participants with respect
Personal Motivation	High energy and commitment to the issues of diversity
Self-confidence	Ability to put your ego aside and focus on the learner
Emotional intelligence	Ability to identify your emotions and manage them
Sense of humor	Ability to laugh and not take yourself too seriously

B. THE ROLE OF THE FACILITATOR/TRAINER

1. Initiate discussions focused on key learning points.
2. Welcome all opinions.
3. Use small group activities to involve everyone.

4. Debrief small group activities and provide additional content and feedback.
5. Use stories and examples as needed to emphasize a point.

C. THINGS TO DO BEFORE CLASS

1. Set up the room for discussions, determining the style you want to use.
2. Meet with co-facilitators beforehand to discuss how you will work together.
3. Have markers, workbooks, name tents, pens, paper, etc. on the tables. Don't forget tape!
4. Prepare easel "flipchart" pages with a big welcome in the front of the room, with your name.
5. Greet participants, learning the names and introducing yourself to those you have not previously met.
6. Ask permission beforehand, of any persons you may wish to speak about or on behalf of a particular diversity group in order to gauge their comfort level.
7. Establish ground rules for participation.
8. Begin on time!

D. TIPS FOR USING EASEL PADS

1. Title each page for focus and future reference.
2. Make letters at least 1½ inches high.
3. Print or write - whichever you do best.
4. Leave two inches or more between lines.
5. Use as few words as possible. Abbreviations are acceptable.
6. Highlight key points by using color, graphics, and underlining.
7. Check readability by going to various parts of the room.
8. If spelling is a problem, offer a disclaimer to the class, and then forget about it.
9. Record participant's words slowly to keep them neat.
10. Check and confirm that you have captured their responses.
11. Pre-record information to save time and ensure accuracy.
12. Fold the corner of pre-recorded pages.
13. Practice tearing pages before the class.
14. Lightly write memory joggers in pencil in margins of the easel pad.
15. Tape pages around the room for reference.
16. If you want to have learners compare and contrast data, consider using two easel pads.

E. PRESENTATION TIPS

Eye Contact	Look directly into participant's eyes; look at one person at a time; cover the entire group, front, back and sides; watch for non-verbal responses from the audience (e.g. frowns, smiles, nodding).
Physical Space	Podiums/tables create barriers, so stand to the side or in front; move around after making a point; encourage audience to sit near the front.
Your Voice	Speak clearly and project your voice. Avoid speaking too fast / slow.
Your Gestures	Use smooth, firm whole-arm gestures to help visualize your message; avoid irrelevant, distracting gestures; don't hold demonstration objects and pointer after you have finished with them.
Your Hands	Let them fall, relaxed at your side; rest them on lecterns, tables or in your pockets. Avoid rubbing hands together or playing with hair or other objects.
Dress	Attire should be comfortable, but one step above the audience norm. Avoid flashy jewelry, busy prints, and tight-fitting clothes. Comfortable shoes are critical.
Verbal Fluency	Speak intelligently, but use words and phrases that are not above the comprehension level of your audience. Vary your voice, volume, and pitch, emphasizing important points by raising or lowering your voice; consider your speech rate.

¹ Adapted from Marofsky, Myrna *The Art of Diversity Training*, ProGroup 1998.

